



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Confirmation No.: 4993
Gary K. Michelson)
Serial No.: 10/047,545) Group Art Unit: 3764
Filed: January 16, 2002) Examiner: Michael A. Brown
For: THREADED FRUSTO-CONICAL)
INTERBODY SPINAL FUSION)
IMPLANTS)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action dated May 1, 2006, the remarks set forth below are submitted for the Examiner's consideration.

Applicant respectfully notes that the disposition of the claims listed on the PTOL-326 is incorrect. The PTOL-326 presently lists claims "154-166 and 169-218" as currently pending. Applicant respectfully submits that claim 168 is also pending. Thus the correct listing of pending claims should be "154-166 and 168-218."

In the Office Action, the Examiner rejected claims 154-166, 168-195, 197-201, and 203-218 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,669,909 to Zdeblick ("Zdeblick"). Applicant respectfully traverses the Examiner's rejection. Independent claim 154 recites a spinal fusion implant having a leading end for insertion first into the disc space, at least one truncated side, and a thread, "said at least one truncated side having a truncated portion between said thread and said leading end." (Claim 154 (emphasis added)). Zdeblick teaches a fusion device 10 having a body 11 with truncated sidewalls that "extend from the anterior end 12 of the device up to the complete threads 19 at the posterior end 13." (Zdeblick col. 6, lines 18-20; Fig. 2 (emphasis added)). The portion between thread 19 and the leading end of the fusion device of Zdeblick is not truncated. (See Zdeblick, Figs. 2 and 8).